

SENATE BILL No. 134

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-28-9; IC 35-43-5-21.

Synopsis: Fraudulent liens and encumbrances. Makes it a Level 6 felony for a person to file a false lien or a false encumbrance against another person. Allows a court to order certain actions if a lien or encumbrance is fraudulent.

Effective: July 1, 2014.

Wyss, Arnold J

January 8, 2014, read first time and referred to Committee on Corrections & Criminal Law.



PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 134

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-28-9 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]:

4 **Chapter 9. Judicial Review of Liens and Encumbrances**

5 **Sec. 1. (a) A person who believes that a false lien or false**
6 **encumbrance has been filed against the person or the person's real**
7 **or personal property may file a motion for judicial review of the**
8 **lien or encumbrance.**

9 **(b) If a court determines that a lien or encumbrance is**
10 **fraudulent, the court may:**

11 **(1) award the prevailing party all costs related to the review,**
12 **including:**

13 **(A) filing fees;**

14 **(B) attorney's fees;**

15 **(C) administrative costs; and**

16 **(D) other reasonable costs;**



1 (2) declare the lien or encumbrance ineffective; and

2 (3) order the office or agency that possesses the lien or
3 encumbrance to terminate or purge the lien or encumbrance.

4 (c) The division of state court administration shall create,
5 prescribe, or approve a form to assist pro se individuals with a
6 filing described in this section and shall post the form on the
7 division of state court administration's Internet web site.

8 SECTION 2. IC 35-43-5-21 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2014]: Sec. 21. (a) As used in this section, "false lien or false
11 encumbrance" means a lien or encumbrance that is false or
12 contains a false, fictitious, or fraudulent statement or
13 representation.

14 (b) A person who knowingly or intentionally:

15 (1) files a false lien or false encumbrance against another
16 person or another person's property with knowledge that the
17 lien or encumbrance is a false lien or false encumbrance; and

18 (2) files the false lien or false encumbrance in a:

19 (A) public record; or

20 (B) private record that is generally available to the public;
21 commits a Level 6 felony.

